THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 21589 of 2005

Dated 14.11.2005

M/s.Mahalaxmi Motors Limited

..... PETITIONER

AND

Dy. Commissioner of Income Tax,

Circle 2(1)

Ayakar Bhavan,

Basheerbagh, Hyderabad and others

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 21589 of 2005

ORAL ORDER: (per Sri S.Ananda Reddy,J)

This writ petition is filed seeking writ of Mandamus directing the respondents to refund a sum of Rs.35,36,692/- for the assessment year 1995-96 together with interest payable under Section 244-A of the Income Tax Act.

In response to the notice issued by this Court, Sri SR Ashok, the learned senior counsel appeared for the department and filed a counter stating that a refund order has already been passed and the said amount was stated to have been adjusted against the dues from the petitioner and therefore no further orders are necessary. However, the learned counsel appearing for the petitioner stated that no notice as such in regard to the refund or adjustment was issued to the petitioner and therefore it may be left open to the petitioner, if there is any variation as to the refund or as to the adjustment, to make an appropriate representation to the concerned authority.

Leaving open the issue as requested by the counsel for the petitioner, the writ petition is disposed of recording the statement made in the counter affidavit as to the fact of refund ordered by the department for the assessment year 1995-96.

(B.SUDERSHAN REDDY,J)

Dated 14..11..2005

(S.ANANDA REDDY,J)